Not Good Enough!

Representation of Aboriginal People, People with Disabilities, and Visible Minorities in the British Columbia Public Service

DOC
BC
488
D5N67
2001
c.3

A British Columbia Human Rights Commission Report

To receive this publication in an alternate format (including large text, electronic, braille) or in another language, please contact our offices:

Victoria	Tel (250) 387-3710 TTY (250) 953-4911
Vancouver	Tel (604) 660-6811 TTY (604) 660-2252
Provincial toll-free	1 (800) 663-0876

Acknowledgements

The BC Human Rights Commission wishes to acknowledge the following organizations and individuals for their assistance with the forums:

Association of BC Government Employees with Disabilities
BC Government Aboriginal Employee's Association
BC Government Visible Minority Employee's Association

Jeet Rana, BC Government Visible Minority Employee's Association

Susan Kelly
Larry McFadden
Lorne Purdy
BC Government Aboriginal Employee's Association

Bhagwant Sandhu
Teresa Wat
Equal Opportunity Secretariat

Laura Ortiz, Association of BC Government Employees with Disabilities

Cover photos courtesy of Stuart DavisPhotography

LEGISLATIVE LIBRARY OF BRITISH COLUMBIA
3 3298 00244 2953

TABLE OF CONTENTS

101-02461/

Executive Summary *3*

1. Background *7*
The Forum Process *7*
What is Employment Equity? *9*
Employment Equity in the Provincial Public Service *10*
The Forum Results *14*

2. Barriers Identified by Forum Participants *16*
Barriers Applicable to all Designated Groups *16*
Additional Barriers for Aboriginal People *21*
Additional Barriers for People with Disabilities *23*
Additional Barriers for Visible Minorities *25*

3. Forum Recommendations for Government and Its Partners *27*
Participant Recommendations Relevant to Addressing the Concerns of all Designated Groups *27*
Additional Recommendations Relevant to Addressing the Concerns of Aboriginal People *32*
Additional Recommendations Relevant to Addressing the Concerns of People with Disabilities *33*
Additional Recommendations Relevant to Addressing the Concerns of Visible Minorities *35*
Final Comment on the contributions of individual participants towards employment equity *36*

4. Recommendations for the BC Human Rights Commission *37*
Recommendations Relevant to all Designated Groups *37*
Additional Recommendations Relevant to Aboriginal People *38*
Additional Recommendations Relevant to People with Disabilities *38*
Additional Recommendations Relevant to Visible Minorities *38*

5. Conclusion and Commission Recommendations *39*
Commission's Initial Response to the Recommendations Regarding the Commission *40*
Commission's Findings and Key Recommendations to Government *41*

Not Good Enough!

EXECUTIVE SUMMARY

The government of BC has had an employment equity policy since 1991 and the current policy directive on employment equity has been in place since February 1994. Yet, as we enter the 21st century, aboriginal people, people with disabilities, and members of visible minorities continue to be severely underrepresented in the public service.

Many organizations and individuals have raised concerns about this lack of progress. The BC Human Rights Commission shares these concerns. In fact, one of the critical success indicators in the Commission's 5-year strategic plan is to:

> *reduce racial barriers to employment hiring, promotion and retention in the provincial government, by improving the representation of visible minority employees by 100% of baseline;*

In spring 2000, the BC Human Rights Commission held public forums to hear from government staff, particularly those who are aboriginal, a member of a visible minority and/or have a disability about ongoing barriers to employment in the public service.

"... as we enter the 21st century, aboriginal people, people with disabilities, and members of visible minorities continue to be severely underrepresented in the public service."

Women are also an employment equity designated group for occupations where women are under-represented in the public service. These forums did not focus on women as a specific equity group, in part because there has been noticeable progress in increasing women's overall representation in the public service during the past decade. This has not been true for the other three equity groups. The Commission acknowledges, however, that there remain persistent barriers to employment for women in under-represented occupations, including senior management. Further work is needed to examine and address these barriers for women. There is also a particular need to look at the multiple barriers faced by aboriginal women, visible minority women and women with disabilities.

The forums were open to aboriginal employees, people with disabilities and members of visible minorities employed in the provincial public service, as well as other interested individuals. Participants were invited to comment on the following questions:

- What are the barriers to hiring, promotion, and retention that operate to suppress the representation of aboriginal people, people with disabilities, and visible minorities in the BC public service?
- What concrete steps should government and related partners (including unions, Equal Opportunity Secretariat and others) take to increase the representation of aboriginal people, people with disabilities, and visible minorities to ensure that the public sector workforce reflects the population served by government?
- What role can the BC Human Rights Commission play to assist the process of improving the representation of aboriginal people, people with disabilities, and visible minorities in the public sector workforce?

The Commission would like to thank the many people who participated in the forums or made written submissions. We learned a great deal from these individuals who did not hesitate to speak frankly about the barriers that they have experienced in the public service and to make constructive suggestions for eliminating those barriers. We are particularly grateful to the participants for their perspective on how the Commission can better work in partnership with the government and employee associations to achieve a workplace that truly values and respects diversity.

This report summarizes the barriers identified and recommendations made by all participants, whether they attended the forum or made written submissions. Many of the barriers identified and recommendations made by participants are relevant for all four employment equity designated groups, including women. The following broad themes for action were reflected in the participants' comments:

- ***Renewed Commitment***: Concrete action and a more comprehensive government-wide plan is needed to effectively move employment equity forward as a government priority.
- ***Accountability***: Further mechanisms are needed to ensure that management at all levels is held directly accountable for adopting employment equity principles and is supported in efforts to create workplaces where all are equal in dignity and respect.

- ***Increasing Representation and Occupational Distribution***: Representation of designated groups must be increased across all occupational levels and in all organizational areas. In particular, all four designated groups must be better represented at senior executive and management levels. As well, the workforce in the human resource and communication areas must become more diversified. It is also important to recognize the diversity within each designated group and ensure that representation within the public service reflects that diversity.
- ***Retention***: It is not enough to simply hire more members of designated groups. A positive and welcoming organizational culture, equal access to training, developmental and advancement opportunities, and supportive managers and co-workers who value diversity, are necessary to attract and keep people in the public service.
- ***Education for Diversity***: Diversity and cultural sensitivity training, and related human resource management training, are seen as an important tool for achieving an atmosphere of respect and acceptance in the workplace and creating welcoming environments for people with different backgrounds.

These perspectives and insights from the participants provided the foundation for five key recommendations the Commission makes to government:

1. It is time for a renewed, more comprehensive Employment Equity Strategy, which includes a detailed implementation plan. The strategy and implementation plan should consider and address recommendations from these forums and other reports previously submitted to government.
2. The provincial government has chosen to use policy, rather than legislation as supported by the Commission, to create a more representative workplace. In order for a policy approach to succeed, accountability mechanisms within government must be strengthened and an independent agency must have the authority and resources to monitor progress.
3. The Employment Equity Strategy and the plans for implementation and monitoring should reflect the *Six Measures of Equality* (see page 9).

4. A comprehensive Accommodation Policy is needed to ensure that the accommodation needs of people with disabilities, and other groups, are met in a timely and appropriate manner. The policy must recognize shared responsibility: the individual workplace is responsible for creating an inclusive environment, and the provincial government as a whole is the "employer" responsible for ensuring accommodation to the point of undue hardship.
5. The government of British Columbia must demonstrate respect for human rights legislation and underlying equality principles in its role as an employer, including in how it responds to human rights complaints.

The input of the forum participants, and a quick review of current statistics, confirms that government's employment equity efforts have been faltering for some time. However, the fact that employees of the public service cared enough about their workplaces, co-workers and employer to participate in this process demonstrates their optimism that change can be achieved. Government can build on this optimism and take the opportunity offered by this report, to implement the numerous recommendations for change that have been put forward in this report and others over the past several years.

"It is time for a renewed, more comprehensive Employment Equity Strategy, which includes a detailed implementation plan." p.5

1. BACKGROUND

The Forum Process

Between March and May 2000, the BC Human Rights Commission held public forums in Victoria and Vancouver on the representation of aboriginal people, people with disabilities and members of visible minorities in the provincial public service. For the purposes of employment equity, the Commission considers the following people to be included in these three designated groups.

- Aboriginal People: People of First Nations, Metis or Inuit ancestry, whether or not they are deemed to be status "Indians" under the *Indian Act* (Canada).
- People with Disabilities: People who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who:

  (a) consider themselves to be disadvantaged in employment by reason of that impairment, or

  (b) believe that an employer or potential employer is likely to consider them to be disadvantaged in employment by reason of that impairment,

  and includes people whose functional limitations owing to their impairment have been accommodated in their current job or workplace.
- Members of Visible Minorities: People, other than Aboriginal people, who are non-Caucasian in race and non-white in colour. For brevity, this diverse group of people is referred to as "visible minorities" in this report.

Separate forums were held for each of these three designated groups in both cities, for a total of six forums. Each forum was open to members of the respective designated groups employed in the provincial public service, as well as others interested in the issue. The Commission also gave people outside Victoria and Vancouver an opportunity to provide input through e-mail, fax and telephone.

More than 180 people attended forums and an additional 25 written submissions were received.

Participants at the forums, and those making written submissions, were invited to speak to three questions:

- What are the barriers to hiring, promotion, and retention that operate to suppress the representation of aboriginal people, people with disabilities, and visible minorities in the BC public service?
- What concrete steps should government and related partners (including unions, Equal Opportunity Secretariat and others) take to increase the representation of aboriginal people, people with disabilities, and visible minorities to ensure that the public sector workforce reflects the population served by government?
- What role can the BC Human Rights Commission play to assist the process of improving the representation of aboriginal people, people with disabilities, and visible minorities in the public service workforce?

The Commission does not suggest that the forums were a comprehensive review of public service employment equity programs. Rather, they were an opportunity for us to learn from the experience of government employees. We regret that we did not have the resources to hold forums outside of Victoria and Vancouver and were therefore only able to receive written input from those areas. Even with this limitation, however, we did hear some clear and consistent messages. Participants identified barriers that they have faced and proposed solutions that they believe will make a difference for other members of designated groups. Not surprisingly, participants overall stressed that it is time for more concerted efforts and real results in attaining a representative public sector workforce.

Women are also an employment equity designated group for occupations in which they have been historically under-represented, including senior management positions. Women as a distinct category were not included in this forum process. This is in part because over the last 10 to 15 years, the public sector has made more significant progress in removing barriers for women and improving their representation across all occupations, including increased representation in senior positions, than with other equity groups. The resources of the Commission were too limited to effectively begin to address the persistent barriers for women at this stage of the employment equity initiatives in the BC Public Service. There is still, however, a need for government to continue to address employment equity issues for women, including women's occupational distribution and pay equity. It is also important that initiatives to support employment equity further examine barriers for women who are members of the other three designated groups.

For this initiative, the Commission decided to focus the forum process on barriers and recommendations relating to the three designated groups that have seen the least progress: aboriginal people, people with disabilities, and visible minorities.

What is Employment Equity?

"Employment Equity means fairness for all working people."

In the Commission's view, employment equity involves the identification and removal of systemic barriers to employment opportunities that affect women, visible minorities, aboriginal peoples and people with disabilities. It can also include the implementation of special measures needed to redress past inequities and achieve a more representative work force.

Employment equity means fairness for all working people. Its aim is to overcome discrimination which keeps members of the four designated groups from being hired or promoted according to their abilities, and to remove barriers that prevent fair and equitable hiring, promotion, and training opportunities for all workers.

Employment equity leads to employment policies and practices that benefit all workers. Its goal is fair treatment of members of designated groups and equitable representation throughout the workplace.

Unfortunately, many employment equity initiatives look only at recruitment and hiring and limit measurement of success to overall representation. In order to assess real progress towards equality it is important to look at a more comprehensive set of indicators. The Commission has therefore adopted and promoted the following *Six Measures of Equality*:

1. **Representation.** This measure assesses whether the workforce as a whole represents the working age population.
2. **Occupational distribution.** It is important to identify where visible minorities, aboriginal persons, people with disabilities, women, and other designated groups are concentrated. Are these "target groups" found throughout the workforce in all occupational groups or are they clustered in certain occupational categories?
3. **Authority and decision-making capacity.** Is there is a "glass ceiling" or other barrier that prevents members of designated groups from moving into positions of authority?

4. **Job security.** This measure determines which groups of individuals end up with full-time permanent employment as opposed to employment that is part-time, auxiliary, temporary, contract, etc. If certain designated groups are consistently excluded from full-time or permanent jobs, this can indicate a problem with equality in the workplace.
5. **Quality of the working environment.** This measure determines whether the workplace is harassment-free, and whether effective policies and programs are in place to support employees in order for them to achieve their full potential within the workplace.
6. **Pay and benefits structures.** Do pay and benefits structures contribute to equality or differentiate for discriminatory reasons.

Employment Equity in the Provincial Public Service

The BC Government has had an employment equity initiative in place since 1991. The initiative is aimed at increasing the representation of, and identifying and removing employment barriers for, aboriginal people, people with disabilities and visible minorities in the public service, along with women in management and other under-represented positions. Employment Equity Policy Directive 2.2 sets out the government's general employment equity goals as follows:

> *The purpose of this policy directive is to create a workforce which, at all levels is representative of the diverse population it serves and to ensure that individuals are not denied employment, advancement or training opportunities within the public service for reasons unrelated to their ability to do the job.*

The four general components to the government's employment equity directive are to ensure the public service will:

1) at all levels represent and reflect the diverse population it serves;
2) value diversity and be free of adverse discrimination;
3) identify and remove barriers which restrict or inhibit members of designated groups from being employed, advanced or trained in the public service; and
4) act to redress existing employment imbalances and disadvantages.

With respect to measuring the goal of increasing the representation of the four designated groups, Policy Directive 2.2 provides that the government will regularly survey its workforce to maintain a current profile of the representation of designated groups in the public service. This profile will be compared to their representation in the British Columbia labour force and the general population. These reports are published every six months by BC Stats and are known as the *Workforce Profile Statistical Reports.*

Using data from the workforce profile, each ministry is required to develop an action plan to improve the representation of designated groups where needed in the ministry. Action plans will support government-wide employment equity goals and will take into account:

- the particular mandate of the ministry;
- the staffing needs of the ministry;
- the availability of members of designated groups who meet genuine job requirements (where availability is an issue, ministries will actively recruit members of designated groups); and
- the provisions of collective agreements. Any changes in collective agreements which appear to be necessary will be referred to the bargaining principals.

Policy Directive 2.2 also establishes that the public service will value diversity and be free of adverse discrimination. It requires ministries to work with public service managers, supervisors and employees to create a working environment:

- that is non discriminatory;
- where diversity is valued; and
- where participation and retention of members of designated groups are encouraged.

In November 1998, the Union/Management Steering Committee on Employment Equity (UMSCEE) released its second progress report on the public service employment equity plans. UMSCEE reported that the public service continued to make little progress in developing a workforce that is representative of the population it serves. This Committee consists of representatives from the BC Government and Service Employees' Union (BCGEU), BC Nurses Union (BCNU), BC Government Managers Association (BCGMA), Professional Employees Association (PEA), Public Service Employee Relations Commission (PSERC) including the Equity and Diversity Division, and ministries.

In October 1999, UMSCEE presented an updated progress report titled, *When All is Said and Done, More Was Said than Done.* In summary, UMSCEE reported:

> In terms of representation, this progress report shows that except for women, the public service continues to have a long way to go before it has a workforce representative of the population it serves. Since 1994, significant improvement in representation (+6.8%) has only been made for women in senior management [now 26.9%]. There has been a small (+0.8%) but steady improvement in representation of visible minorities, but the gap between their representation in the public service and in the BC population continues to widen. The representation of aboriginal people has changed very little (+0.2%) and the representation of employees with disabilities continues to decline (-0.9%) from 1994 levels. This ongoing decrease in representation of employees with disabilities, together with their considerably lower hiring rates and promotion rates, is indicative of continuing systemic barriers to the employment and advancement of persons with disabilities.
>
> ...
>
> Generally, UMSCEE found that there was much creative writing in many progress reports to hide the fact that few of the planned actions were implemented. Ministries often reported items under "completed actions" that had little relationship to their "planned actions", and provided few specifics regarding who carried them out (e.g. who reviewed postings to ensure bona fide qualifications; who was responsible that harassment awareness training was delivered) and results of these completed actions (e.g. numbers of employees trained, diversity of applicant pool when outreach was done).
>
> ...
>
> UMSCEE also continues to be concerned about the resources allocated for employment equity in ministries. Although the FTEs and budgets in 1998/99 were comparable to those used in 1997/98, in many cases the Employment Equity Advisors also had responsibility for multiculturalism and discrimination prevention but this was not reflected in the resources shown as dedicated to employment equity. The reporting relationships of Employment Equity Advisors also continue to concern UMSCEE, since it is difficult for these advisors to challenge traditional human resource practices when they report to Directors of Human Resources/Personnel.

The UMSCEE 1998/99 progress report contains several recommendations to government, and concludes with the following five recommendations :

- That ministries and the public service identify and solve the retention problems for aboriginal and visible minority employees, in order to get the full benefits of hiring members of these groups at a faster rate than other employees.
- That ministries make additional efforts to hire and promote persons with disabilities and that reasonable accommodation of work-related needs become a corporate responsibility through a directive of PSERC, as opposed to ministries carrying the total financial burden.
- That more designated group members be hired and promoted into Director-level and Assistant Deputy Minister-level positions, to provide a broader perspective on decisions that will determine the future make-up of the public service and will impact the diverse population of BC. To facilitate this, targets should be established for participation by designated group members in the Executive Development Program.

"... despite nearly 10 years of official support for merit-based employment equity, all four designated groups remain under-represented in the government's workforce."

- That the diversity of human resources advisors, communications officers and policy analysts across the public service be increased through preferential hiring of designated group members to all positions open to out-of-service applicants (includes auxiliary) until their representation in these positions reflects that of the BC population. Where these functions are performed by contractors, preference should be given to hiring contractors who are members of the designated groups.
- That Deputy Ministers be held accountable for their ministry's progress in employment equity through a quarterly review by the Deputy to the Premier, and that Deputy Ministers in turn hold their managers accountable for achieving employment equity goals, particularly those managers making hiring decisions.

The UMSCEE report supports the concerns shared by the Commission, designated groups and community advocates that, despite nearly 10 years of official support for merit-based employment equity, all four designated groups remain under-represented in the government's workforce.

- With respect to **aboriginal people**, between January 1994 and January 2000, the portion of regular employees who are aboriginal people only increased from 1.6 to 1.8 percent of the regular workforce, even though aboriginal people make up 4 to 5 % of the BC population and 3.1% of the BC workforce. *
- With respect to **people with disabilities**, between January 1994 and January 2000, the portion of regular employees who have disabilities decreased from 6.7 to 5.7 percent of the workforce, even though people with disabilities make up about 8% of the working-age population in BC. * Some estimates place the proportion of people with disabilities in the general population even higher than 8%.
- With respect to **visible minorities**, between January 1994 and January 2000, the portion of regular employees who are visible minorities only increased from 5.3 to 6.4 percent of the regular workforce, even though visible minorities now make up 19.8% of the BC population, 10.8% of the available workforce and 22% of university graduates. * Of the four employment equity designated groups, representation of visible minorities in the public service is the lowest compared to the representation in the general population.

The Forum Results

The Commission supports employment equity policies as an essential step in promoting diversity and equality and we acknowledge government's appreciation for the principles of employment equity. However, 10 years into the policy we have achieved minimal results.

The fact that government has not achieved its objective of a representative workforce is a serious concern to many organizations and individuals, as well as the Human Rights Commission. The time has come to examine why. The forums were planned as one step in response to these concerns. The process was designed to seek the views of employees working in the public service, especially members of these three designated groups. They were canvassed about why the employment equity objectives have not been met and what recommendations they have for developing a representative workforce and a welcoming and respectful workplace.

Sections 2 through 5 of this report summarize the barriers identified and the recommendations made by those who participated in the forum process. Although not every comment made to the Commission is included, we have

* BC Stats, *BC Government Public Service Workforce Profile Statistical Reports*, January 2000.

attempted to capture the full range of barriers and recommendations identified by the participants. In some cases, many individuals identified similar barriers or proposed similar solutions; in other instances, a specific barrier or recommendation was mentioned only once or twice. We have not assigned a priority to the barriers and recommendations. Also, the range of issues identified reflect the fact that the participants came from a variety of public sector workplaces with different organizational cultures. The diverse comments can provide insight into the myriad of problems that individuals can face in the workplace. This feedback can help inform public sector managers of the different barriers that may exist in their workplace and the range of steps that can be considered to address these barriers.

Sections 2 through 5 convey what the participants told us and do not necessarily reflect the views of the Commission. Nonetheless, the Commission hopes that government takes this opportunity to benefit from the feedback provided by the forum participants. We encourage government to review this report on what we heard, in a renewed and comprehensive inter-ministry effort to increase the representation of all employment equity designated groups in the public service.

Section 5 summarizes recommendations from participants for the Human Rights Commission, and the conclusions provide an initial response from the Commission and a commitment to fully review further actions the Commission can take.

In section 6 the Commission outlines its five key recommendations to government on the issues of achieving a representative workforce and creating workplaces that value and respect diversity.

"The fact that government has not achieved its objective of a representative workforce is a serious concern to many organisations and individuals, as well as the Human Rights Commission. The time has come to examine why." p. 14

2. Barriers Identified by Forum Participants

Barriers Applicable to all Designated Groups

Participants told us about:

...the need for a *Renewed Commitment*

Lack of commitment to employment equity

- There is a lack of political will to make real change in improving the representation of designated groups in the public service.

Misconceptions about what employment equity means

- Myths about employment equity act as barriers. For example, it is often perceived in the field as a quota system. As well, employment equity programs are seen as unfair, preferential treatment for the designated groups. This barrier is sometimes referred to as employment equity backlash. It can affect the credibility of an individual with their colleagues and superiors if there is a perception that a person was hired on the basis of a quota rather than merit.
- Employment equity has been perceived as a "feel good", "politically motivated" initiative. As such, the bureaucracy has only half-heartedly implemented it.

...the need for further *Accountability*

Lack of Accountability

- The public sector has made limited progress in improving the representation of the designated groups because there are no clear performance expectations, standards or accountability measures for executive and management.
- Managers and supervisors are not being held accountable for their actions with respect to the public sector's treatment of designated group members.

Policy and Legislation

- Government has not made significant progress in achieving employment equity and a representative workforce because its employment equity plan is based on policy only. There is no enabling legislation. Because employment equity does not have any legal force, it is subject to the whims of the government in power and has been implemented half-heartedly by the bureaucracy.

Redress Mechanisms

- If people file a human rights complaint or other grievance, they feel that they will suffer detrimental effects from their supervisor, such as being denied promotion opportunities, even if the complaint is successful.
- Senior managers support supervisors who have discriminated, and the government fights the complainant throughout the human rights complaint process.
- The human rights process is too slow to provide remedies in a timely manner to people who have been discriminated against on the job.

...the need for *Increasing Representation and Occupational Distribution*

Current Representation

- While some gains have been made in recent years, they have been concentrated in the entry-level positions. All three designated groups are severely under-represented in senior management in government, and women continue to be under-represented as well. Members of these groups do not have role models at the senior level. Further, potential candidates do not see a career path for themselves in the public service.
- All three designated groups are also severely under-represented in human resources and communications, especially at the management level.
- Diversity and Equity Committees often lack representation from these three designated groups. There is often no input from any of the affected groups.

Existing Hiring Practices

- Members of the designated groups are often unfamiliar with the process for applying for government positions.
- In-service postings are a barrier to increasing the representation of the designated groups in the public service since they limit the competition to the existing under-represented workforce.
- Employers and managers doing the hiring tend to hire people like themselves and like the people who are already working there. This discourages the development of a diverse workforce.
- There have been instances in which people who may not clearly and legitimately belong to one of the designated groups find any link, no matter how tenuous, to identify themselves as a member of an equity group because they feel it will benefit them in a job competition.
- There is often no representation from any of the three designated groups on the hiring panels.
- People don't know who to see to find out why they did not win a job competition.
- Jobs and careers in the public service are not advertised in a manner or media that effectively reaches the designated groups.
- Even if it is proven on appeal that a discriminatory rating occurred during a competition, the affected party is often not awarded the job. Instead, the position is re-posted.
- To date, the Recruitment Access Office appears to have focused on clerical jobs for members of the designated groups, and not more senior, professional or managerial positions.

...the need to focus on Retention

Lack of Opportunity

- Members of the designated groups feel they are often denied the opportunity to take on challenging assignments to prove themselves or to gain experience for promotions. They also feel they have limited access to other developmental and advancement opportunities.

- Managers often place a favoured person in an acting senior position, or in an auxiliary position for rollover into a regular position, rather than running a merit-based competition. Typically, members of the designated groups do not benefit from such preferential treatment to the same extent as other people.
- Employers in the public service are not complying with their own preferential hiring programs for the designated groups - including programs approved under the Human Rights Code.

Seniority

- Seniority provisions can be a barrier to increasing the employment and promotion of qualified individuals from the designated groups because members of the designated groups are more likely to have only been recently hired compared to other employees. Seniority has this effect when it is used to decide a competition outcome, and when it is used to determine who will be laid off during cutbacks.

"In-service postings are a barrier to increasing the representation of the designated groups in the public service ..." p. 18

Non-supportive work environment

- There is no consistency across government in terms of positive work environments. Some workplaces are very welcoming, others provide little support, and some create a hostile atmosphere for members of the designated groups.
- Co-workers and clients can treat individuals in an unfair and discriminatory manner once an individual is hired (a poisoned work environment).
- People feel forced to leave their employment when the workplace culture is not welcoming and supportive, or they are not given the opportunity to use and develop their skills.
- Reports about the negative experiences that designated group members have faced in the public service discourage other members of the groups from applying.

Impact of Experiences of Designated Group Members

- Government bureaucracy and the whole competition process can be intimidating or confusing for some individuals.
- Constantly being denied opportunities has a psychological impact on designated group members, especially when high expectations are raised coming out of the education system.

- Members of the designated groups often have a distrust of government.

Lack of Management Support

- Management does not support the individual or the principles of equality and respect.
- There is a lack of information and resources for people to turn to when they encounter harassment and unfair treatment.
- There is no system for filing complaints for non-compliance with the government's employment equity directives to an impartial adjudicating body.
- Inflexible work schedules and conditions do not accommodate differences in culture or abilities.
- People who are viewed as being within the designated groups often feel that they have to work twice as hard to prove themselves.
- Supervisors often do not permit their employees to take a longer lunch once a month to attend meetings of the employee associations representing the designated groups. Employees are asked to justify how it will benefit the employer for the individual to attend these meetings.
- Many members of the designated groups are auxiliary employees and they are concerned about taking time off to attend meetings held by employee associations representing a designated group if it affects their reaching 1827 hours.
- Individuals fear that there may be costs to them if they raise concerns about the practices in their workplace. There is an imbalance of power - the individual versus the ministry.

Organizational Culture

- Direct supervisors who are not properly trained in employment equity issues can poison the work environment to the detriment of government and society. Senior management and executive are often unaware of what happens in individual workplaces, even if they support the principles of employment equity.
- The organizational culture in the public service does not place a value on people and welcome their differences.

- The existing culture does not always support the principle that in order to be fair, you sometimes have to treat people differently.

Additional Barriers for Aboriginal People

Participants told us:

"Aboriginal people are the only designated group without its own advocacy based organization in government."

- The aboriginal community faces major barriers compared to the British Columbia population as a whole. For example, aboriginal people have disproportionately high unemployment rates (70 - 90% in some communities compared to 7 - 9 % for the majority of Canada), a life expectancy that is 10 years lower than that of other Canadians, and a rate of teenage suicide that is 10 times higher than that for the rest of Canada. There is a clear lack of opportunity or just and fair treatment.
- Aboriginal people face other barriers that result in significantly fewer people obtaining the skills and education required for public sector jobs (only 38% graduate from high school*). Those who have obtained an advanced education are in demand for jobs in their own communities.
- Aboriginal people are the only designated group without its own advocacy based organisation in government. There is the Office for Disability Issues, Multiculturalism BC, and the Ministry of Women's Equality, which do some advocacy work on behalf of the respective designated groups in society. The Ministry of Aboriginal Affairs, however, is responsible for treaty negotiations and government relations with aboriginal communities, and does not act as an advocate on behalf of aboriginal people. This is seen as indifference toward the situation of Aboriginal people.
- Many aboriginal people are uncomfortable and unfamiliar with the government's hiring process.
- Aboriginal people are often unaware of openings in the public service.

* Ministry of Education, An Overview of Aboriginal Education Results for Province of BC, May 1, 2000

- Aboriginal applicants often do not gain their skills through the "traditional" experiences and qualifications that are typically evaluated, but employers are often unfamiliar with the comparative experiences of aboriginal applicants. This results in comparatively qualified aboriginal people being screened out.
- Racism directed at aboriginal people is prevalent in the public sector, especially in lower level positions. It is often not overt, but operates subtly. Many people leave because of the racism inherent in the system.
- Many aboriginal people and employees live outside Vancouver and Victoria. Workshops, forums, and other opportunities for policy input are often held in these two cities only. As such, aboriginal people do not have the same opportunities to have meaningful input into government policy development.
- Many aboriginal people want to learn, work, and reside close to their community of origin. It is part of the fabric of many aboriginal cultures to be near and attached to the land a person is born in. However, public service entry-level positions are located mainly in Victoria and the Lower Mainland. As well, professional career positions require a level of education that, in most cases, cannot be obtained without attending an educational institution in a large urban centre for at least 3 or more years.
- Many aboriginal employees do not stay in the public sector because they feel alienated and neglected. There is no support system for aboriginal people.
- Managers, supervisors and co-workers are often insensitive to aboriginal people and culture - particularly if there is only one aboriginal person on staff. This is particularly so at the lower job levels.
- Aboriginal employees are often reluctant to encourage other aboriginal people to work in the public service because of the lack of support.
- The traditional top-down hierarchical structure of the government is a barrier to many aboriginal people, who are more comfortable with a more circular, co-operative and supportive structure or atmosphere.
- Government human resource departments sometimes have difficulty identifying qualified aboriginal applicants.

- The Human Rights Commission is not adequately approachable for aboriginal complainants.

Additional Barriers for People with Disabilities

Participants told us about:

Failure to Accommodate a Disability

- Managers and supervisors are often unaware of their duty to accommodate. It is also often deemed to be a low priority, especially if the representation of people with disabilities in the workplace is low.
- Requests for accommodation are often slow in being met or even resisted, although the cost is insignificant in the big picture. Disputes over what budget the accommodation should come out of also delays the process in some cases. People with certain disabilities, however, cannot work effectively without the required accommodation. They often feel that they have to fight for even small things.
- Many people have to file a union grievance or a human rights complaint before their accommodation request is given serious consideration.
- Many people are unaware of their rights to accommodation or of the process for requesting accommodation.
- Some individuals are afraid to approach their managers or supervisors for accommodation because they fear being fired or not being considered for advancement opportunities.
- Many ministries and branches do not permit people to take specialized accommodation equipment (e.g., a larger computer monitor or ergonomic chair) with them when they move to a job in another ministry or branch. There are also no provisions for continuing to provide other accommodations if an employee changes positions or ministries. People are forced to repeat their request for accommodation every time they start a new position, and face the stress that the request might not be granted.
- Reference is often made to "reasonable" accommodation. However, this may suggest to managers a lower standard than the duty to accommodate short of undue hardship established under human rights law. Supervisors often interpret "reasonable" very narrowly.

Photo courtesy Stuart Davis Photography

- Managers and supervisors are often unaware of the impact of invisible disabilities. People with invisible disabilities often have a difficult time in having their needs accommodated.
- People with invisible disabilities are often fearful of letting their supervisor know about the disability for fear of the impact that it may have on their career. As such, they struggle on the job and their accommodation needs go unmet.
- Restructuring of government departments often do not consider the needs of people with disabilities and the additional needs for accommodation in the restructured environment.
- Qualified people with disabilities are often overlooked for temporary appointments because the individual may require some accommodation for the temporary period.

Access Barriers

- Some government buildings still provide poor physical accessibility for people with disabilities.
- Access to office equipment, doorways, hallways, washrooms, lunch facilities, etc. is impeded or not possible for people with disabilities. Important office spaces are not designed to meet their needs. This creates additional pressures and stress for individuals.
- People with disabilities don't work just in their own offices. They have to attend meetings and otherwise interact with people across government. Accessibility is often a barrier, and information about access to other offices is often unavailable, even if the person's own work site is accessible.
- People with environmental disabilities are often significantly impacted by poor air quality, including scented products and other chemicals in the workplace.
- Websites, publications, and other government information are often in formats that are not accessible to people with sensory impairments.
- People often decide against working for the public service if they find the building to be inaccessible when they come for an interview, or they are not provided with communication support (e.g., sign language interpreter) for the interview. They feel this reflects the treatment they will receive once employed.

Lack of Support

- Managers, supervisors and co-workers are often unaware of the needs of people with disabilities. They also do not recognize that a person with a disability often has to do a job in a different manner or to a different standard than how it is generally done by other individuals.
- The overtime and travel expectations associated with many management positions are barriers to advancement for people with conditions that cause fatigue or affect mobility.
- Managers and supervisors often do not recognize that people with disabilities may require flexibility in their work schedule because of the impact of their disability on their body, or that they may require time off periodically because of their disability.
- People are often afraid to ask for the time off that they need, and the resulting stress can create additional physical and psychological problems for the individual. This is particularly true for auxiliary employees who fear that taking time off will affect their chance of gaining permanent status.
- Employers often focus on the disability, rather than the person's abilities, and this affects the career advancement of people with disabilities.

Hiring Process

- The emphasis on performance in a brief interview, rather than demonstrated performance in past positions, can be a barrier for people with disabilities that affect short-term memory. Such people can function well in a job by relying on lists, contextual cues, etc., but may be unable to retrieve the answers for questions in an interview situation without the usual cues used to trigger memory in the real working environment.

Additional Barriers for Visible Minorities

Participants told us:

- Racism exists in the public sector, crown corporations, and private sector.

- The representation of visible minorities in the public sector is so low (6.8 % of the public service compared to almost 20% representation in the BC population) that continuing with the same hiring practices and ways of providing services will not result in any real change.
- Hiring panels made up of Canadian-born Caucasians are often unfamiliar with different cultural traditions and therefore do not know how to interpret answers to interview questions when the applicant is from another culture.
- Intolerance of other people's accents is one of the biggest barriers to employment in the public service. People are often penalised for their accents when communications skills are evaluated in job competitions. There is an expectation that everyone speak with a Canadian English accent.
- Co-workers and others often assume a person cannot do the job if they speak with an accent.
- Communication skills are sometimes only evaluated in competitions where there are candidates who are visible minorities.
- In some areas of the public service, the workforce is ethnically diverse only in areas where contact with the public is minimal (e.g., computer technology).
- Supervisors and co-workers are often insensitive to other cultures and traditions.

"Racism exists in the public sector, crown corporations, and private sector." p. 25

- The leave provisions under the collective agreement only permits leave *without pay* to observe different religious holidays.
- The public sector does not do a good job at marketing itself to young people as an employer of choice. 22% of university graduates are visible minorities, but young people have a negative attitude about a career in the public service.
- Canada encourages people from other countries to come here, particularly those with job skills. But once they arrive, they are denied professional jobs for which they are trained.
- There is a failure to recognize skills and credentials obtained in another country.
- Many immigrants come from countries where the public service is not respected. As such, based on what they understand about the public service in their home country, they do not pursue a public service career in Canada.

3. Forum Recommendations for Government and Its Partners

Participant Recommendations Relevant to Addressing the Concerns of all Designated Groups

Participants recommended:

Commitment to a New Organizational Culture

- Commitment and action are necessary - not more studies, committees, or lip service - to bring about a representative work force. Deputy Ministers and other senior officials must demonstrate leadership. A political will to see change is also required.
- Government must foster an organizational culture that supports the employment equity process.
- The public service must promote a culture of diversity, multiculturalism and respect.
- Executive, management and staff at all levels must be educated about employment equity - particularly, that it is not a quota system and that eligibility for opportunities is still based on merit and competence.
- Funding must be put in place to ensure that the public service is committed to employment equity regardless of what party is in power. Employment equity cannot be subject to political whim.

Management Accountability

- Ministry executive, managers and supervisors at all levels must be accountable for employment equity. It should form part of their performance review.
- There must be consequences for management non-compliance with government's employment equity policies.
- The focus of performance reviews should be on rewarding managers and supervisors who are doing well, not penalising those who are doing poorly.
- At the same time, those responsible for discriminatory acts should be punished in some form.

Reporting and Monitoring

- Representation statistics for the three designated groups should include a breakdown by gender at all levels.
- All postings should be monitored, by ministry, to determine the number of postings, type (permanent, temporary assignment, auxiliary), classification, whether preferential hiring was employed, the number of designated group applicants, and whether a member of a designated group was selected.

Policy and Legislation

- Government must work with its partners, such as unions and the associations representing employees from the target groups, to develop effective policies and solutions. They must also review existing policies to ensure they support employment equity and diversity principles.
- Government should implement all the recommendations made in the 1998/99 progress report by the Union Management Steering Committee on Employment Equity (UMSCEE) - see page 13 above.
- An equity lens is required, which would be applied during the development of all policy and legislation.
- Consideration should be given to employment equity legislation for the public sector.
- Employment equity in the public service should be managed by an independent agency since government by itself has not been able to achieve real progress.

Increased Representation and Occupational Distribution of Designated Groups

- Goals and targets must be established to promote the representation of designated groups in the public service.
- The goals should be tailored to each ministry individually and take into account the client population served by the ministry. For example, the Ministry of Agriculture has a large number of visible minorities as its target clients and therefore should have a corresponding representation of visible minority employees.
- The number of supervisory and management positions filled by designated group members must be increased. Such persons can serve as role models for others.

- A particular commitment must be made to increase the representation of designated group members at the senior levels, in numbers that clearly send the message that change is occurring and that there are real opportunities for the designated groups in the public sector.
- Members of the designated groups must also be actively recruited for lower level positions so that representation also increases at this level.
- The executive development program must include a greater number of designated group members.
- A more diverse human resource staff is needed in the public sector.
- A more diverse communications staff is also needed. These people represent the public face of government, and the designated groups are not adequately represented.
- Employment equity and diversity committees must have greater representation from the designated groups.
- In partnership with the School of Public Administration, establish a number of internship opportunities for members of the designated groups.
- "Bridging" positions should be established exclusively for members of the designated groups.

The Hiring Process

- Pre-employment workshops should be established for members of the designated groups focusing on the skills necessary to work in the public service and to be successful in the hiring process.
- Hiring panels must include members from the designated groups, especially where members of a designated group are competing for the job.
- All hiring panel members should receive diversity and cultural sensitivity training.
- The selection criteria and rating system used in competitions should be subject to review to ensure that they are not discriminatory.
- All hiring should be done on the basis of merit, skills and credentials, guided by job descriptions that contain only *bona fide* occupational requirements. This includes acting and auxiliary appointments.

- More out-of-service postings (regular and auxiliary) must be made to increase the representation of designated groups in the public service.
- Some out-of-service postings for regular positions must also be restricted to the employment equity designated groups. It is not enough to have preferential hiring on auxiliary positions only.
- All excluded management level positions should be out-of-service, making them available to out-of-service members of the designated groups.
- In-service postings could also be made open to out-of-service members of the designated groups.
- Where possible, postings should be restricted to designated group members until a representative workforce is achieved.
- Competition deadlines should be extended if qualified members of the designated groups do not apply on the initial posting.
- A variety of communication media should be used to advertise employment opportunities to reach a wide and diverse audience. Examples include newsletters and newspapers directed at the designated groups, or postings located at organizations that work with members of the designated groups.
- Government should hold job fairs in communities throughout the province to advertise employment and career opportunities, and the skills and background required for different types of positions.

Training and Education for Designated Groups

- Members of designated groups must have access to skills development training opportunities, including leadership development and interview skills, to facilitate their advancement in the public service.
- Programs should also be established to help designated group members develop the skills necessary to gain entry into the public service. These could be developed in partnership with appropriate agencies and community groups.
- Subsidies should be provided for members of the designated groups to take the pre-employment training courses required for many public service positions.

- Mentorship, job shadowing, and apprenticeship programs aimed at the designated groups are beneficial for the entry and advancement of group members in the public service. These programs should include management positions.
- Government's mentoring program should be opened up to auxiliary staff, since members of the designated groups represent a significant portion of the auxiliary workforce. This will facilitate the opportunity for auxiliary employees to achieve regular status.

"In-service postings could also be made open to out-of-service members of the designated groups." p. 30

Fostering a Healthy Workplace

- Employers should set specific objective goals for staff, and promotions and other rewards should be based on attaining these goals, not on how well a person gets along with the supervisor.
- A timely process needs to be established to respond to complaints, whether the complaints are about a supervisor, co-worker or other matter.
- Hiring, development and advancement policies and practices must be consistently applied in all situations to avoid bias or the perception of bias.
- Everyone in the public sector should be committed to developing a fair and healthy workplace. People will be attracted to a supportive, positive and welcoming work environment.
- Government must avoid hiring quotas and schemes that are not based on merit. These make it difficult for employees to be credible with their colleagues and superiors.
- A process should be put in place to proactively keep in touch with designated group employees to ensure that they are comfortable in their work environment.
- Managers and supervisors should support members of the designated groups when they wish to attend meetings, seminars and workshops that address employment equity issues.
- Exit interviews should be conducted to find out why members of the designated groups leave the public service.
- Employment equity needs to be integrated into government's everyday operations and practices.

Education for Diversity

- It is not enough for executive and senior management to support employment equity. Direct supervisors must be trained in fostering positive, "non-poisoned" work environments.
- Diversity and cultural sensitivity training must be provided to managers and supervisors at all levels. It cannot be an optional program that is only attended by those who already support employment equity principles.
- Senior management must support diversity training and foster a positive attitude toward it in the workplace.
- Diversity and cultural sensitivity training has to be operated as an ongoing program since people are always coming and going in the public sector. It cannot be a one-time offering.

Additional Recommendations Relevant to Addressing the Concerns of Aboriginal People

Participants recommended:

- The strategies outlined in the *Aboriginal Workforce Participation Initiative* published by the federal Department of Indian Affairs and Northern Development should be adopted. For example, this report includes specific strategies for integrating aboriginal relations into business planning, building a knowledge and understanding about aboriginal relations, and creating a positive work environment.
- An Aboriginal Advocate position should be established, in accordance with the government's November 1998 commitment, to ensure that hiring practices are sensitive to the needs of aboriginal people. The advocate should be provided with the necessary backup and support.
- Government must act more aggressively and competitively to attract aboriginal individuals with advanced diplomas and degrees.
- Government positions, including entry-level jobs, should be established in locations nearer to aboriginal communities throughout the province. Points should be awarded in the competition for residing in the local area where the job is located.

- Job fairs should be held in aboriginal communities to identify aboriginal candidates with the skills necessary for government positions.
- Government should recruit from local apprenticeship programs for technicians and other apprenticeable trades.
- PSERC should develop a standardised model that employers can use to assess the comparative qualifications of aboriginal applicants who have developed their skills and knowledge through means other than the "traditional" approaches that are evaluated during the hiring process.
- Mandatory workshops and sensitivity training for employees at all levels on aboriginal culture and issues should be implemented.
- Government must foster a work environment that is sensitive to aboriginal culture and issues.
- Develop more distance education programs so that aboriginal people can stay in their home communities while gaining career-related training and credentials.

Additional Recommendations Relevant to Addressing the Concerns of People with Disabilities

Participants recommended:

- A centralised body should be responsible for responding to requests for accommodation by people with disabilities, and for funding specialized equipment, etc. required for accommodation. This will streamline the process, develop organizational expertise in accommodating people with a disability, and overcome managers' reluctance to accommodate when it is funded from their own budgets.
- A tracking system should be implemented to monitor responses to requests for accommodation by people with disabilities.
- Employees should be allowed to take accommodation equipment with them when they transfer to another branch or ministry.

- When accommodating a person with a disability requires finding another job for the person, vacancies across government should be considered, not just vacancies within the employee's current branch.
- Employers must also provide flexible schedules and time off to accommodate people's disabilities. This includes options for part-time work.
- Managers, supervisors, union stewards and human resources staff require training in the duty to accommodate.
- Ensuring that government buildings are physically accessible should be a high priority for government. Providing equal access to buildings means going beyond the minimum standards set out in the *BC Building Code*. For example, people using wheelchairs should not be forced to go to the back of the building by the loading dock to gain entry into a building.
- Air quality is an access issue which should be addressed from a disability perspective, including both systemic access issues and individual accommodation, in addition to occupational health and safety efforts. This should include addressing the impact of scents and chemicals in the workplace.
- Leases should not be renewed for any buildings that do not meet acceptable accessibility standards.
- Access to photocopiers, fax machines, lunchroom and kitchen facilities, doorways and hallways, and washrooms within the building should also be designed to meet the needs of people with disabilities.
- Websites, publications, and other sources of information should always be available in alternative formats to meet the needs of different people.
- People with disabilities should not have to elaborate on the details of their disability every time they apply for a different position in the public service.
- Employers must be creative and flexible in designing jobs to fit the abilities of the person.
- Education is required to remove the fears that people have about certain disabilities, such as mental illness and HIV.

- Notices of government meetings, training sessions, etc., should routinely indicate accessibility information about the site, including parking, and include a request for participants to refrain from wearing scented products.
- "Best practices" models of accommodation initiatives should be shared throughout the public service.

"People with disabilities should not have to elaborate on the details of their disability every time they apply for a different position in the public service." p. 34

Additional Recommendations Relevant to Addressing the Concerns of Visible Minorities

Participants recommended:

- Employees and management at all levels, and personnel on hiring panels, need training and education about different cultures (for example, how people from various cultures respond differently in interviews in ways that do not affect their ability to do the job).
- Acceptance and respect of people's differences, including cultural differences and different accents, must be developed. Cultural competency must be made a valued and required skill for all government employees.
- Government and its partners should look at what the private sector is doing, where the representation of visible minorities is closer to their representation in the population.
- The public sector must come to view differences in ethnicity and language skills as an asset for the public service. For example, a diverse workforce better serves British Columbia's diverse population.
- Efforts should be made to identify transferable skills in applicants with foreign experience. Qualifications must be a *bona fide* condition for the job.

Final Comment on the contributions of individual participants towards employment equity

Participants repeatedly demonstrated their on-going commitment to work with government to improve the work environment and create a public service that respects diversity and promotes equality. Participants identified a number of ways in which they do, and will continue to, work towards this goal, including through education, information and support for management and co-workers to help them in the complex task of achieving a respectful workplace which promotes and accommodates diversity.

Photo courtesy Stuart Davis Photography

"Participants repeatedly demonstrated their commitment to work with government to create a public service that respects diversity."

4. Recommendations for the BC Human Rights Commission

Participants offered helpful suggestions for ways in which the Commission can better work together with government and employee associations to achieve a workforce that values and respects diversity.

Recommendations Relevant to all Designated Groups

Participants recommended that the Commission should:

- Work in partnership with government, the Equal Opportunity Secretariat, and unions on employment equity issues.
- Increase awareness, through education, of the value of a diverse government workforce.
- Include, in its annual report, a breakdown of complaints received against the public sector compared to the private sector.
- Obtain reports from government ministries and agencies on their progress in implementing employment equity programs and achieving a representative workforce.
- Review and make public comment on the public sector's employment equity progress reports on an annual basis.
- Write directly to ministries and government agencies whose workforces are significantly under-represented, requesting an explanation of their poor record.
- Educate government and actively encourage it to adopt initiatives identified through these forums that will lead to an effective employment equity program and a representative workforce.
- Speed up the complaint process. Staff should phone respondents right away so they know that the complaint has been made and the Commission will be investigating.
- Submit a "test" application where a designated group member was denied employment to help identify employers who discriminate.

- Support claimants' efforts to pursue a complaint against a specific supervisor for committing discriminatory acts, rather than just the supervisor's employer (the organisation).
- Hold more forums on employment equity to increase awareness and keep the matter in front of government.
- Organise a conference with the Equal Opportunity Secretariat and employee associations representing designated groups to discuss equity issues.

Additional Recommendations Relevant to Aboriginal People

Participants recommended that the Commission should:

- Encourage the government to establish an Aboriginal Advocate.
- Actively support aboriginal workers in their fight against internal racism.

Additional Recommendations Relevant to People with Disabilities

Participants recommended that the Commission should:

- Educate the government on employer's duty to accommodate.

Additional Recommendations Relevant to Visible Minorities

Participants recommended that the Commission should:

- Work to support the establishment of a new program that would give opportunities for new immigrants to gain Canadian experience in their respective field of work.

5. Conclusion and Commission Recommendations

The Commission is extremely grateful to all the participants for taking the time to meet with us or make submissions on these important and sometimes sensitive issues. The comments received, were well considered and valuable, and reinforced many of the concerns and recommendations provided to government by various groups or committees over several years. As outlined in this report, the participants' experiences demonstrate that, despite government policy designed to achieve a representative workforce and to create workplaces that welcome diversity and promote equality, there are many barriers that continue to impede these goals. The Commission is encouraged by the participants' interest in the public service and by the many recommendations that they put forward to address the issues of representation, diversity and equality.

In the earlier sections of this report, we listed a multitude of barriers and possible solutions put forward by the participants. Our review of their comments and suggestions identified the following themes for action.

... *Renewed Commitment*

Concrete action and a more comprehensive government-wide plan is needed to effectively move employment equity forward as a government priority.

... *Accountability*

Further accountability mechanisms are needed to ensure that management at all levels becomes directly accountable for adopting employment equity principles and are supported in their efforts to create workplaces where all are equal in dignity and respect.

... *Increased Representation and Occupational Distribution*

Representation of designated groups must be increased across all occupational levels and in all organizational areas. Of particular importance is the need to recognize the diversity within each designated group, and to increase the representation at senior executive and management levels of all four designated groups. As well, the workforce in the human resource and communication areas must become more diversified.

... *Retention*

It is not enough to simply hire more members of designated groups. A positive and welcoming organisational culture, equal access to training and developmental and advancement opportunities, and supportive managers and co-workers who value diversity, are necessary to attract people to, and retain them in, the public service.

... *Education for Diversity*

Diversity and sensitivity training, and related human resource management training, was seen as an important tool for achieving an atmosphere of respect and acceptance in the workplace and creating welcoming environments for people with different backgrounds.

These themes summarize the major issues of concern raised by the participants. They suggest, from the participants' perspective, a framework for the areas in which government should take action. The Commission focussed on the first two themes in developing five key recommendations to government, and the need to renew government's commitment through developing a new and comprehensive strategy, and further accountability mechanisms.

Commission's Initial Response to the Recommendations Regarding the Commission

The Commission believes strongly that we need a public service that is representative of the population it serves and workplaces that welcome and respect diversity. Working toward these objectives is part of working for a society 'where all are equal in dignity and rights', one of the goals set out in the *Human Rights Code*. Therefore, although government is primarily responsible for addressing workforce and workplace issues relating to the public service, we plan to continue to play a role, as we committed in our strategic plan, to support government in achieving these objectives.

Over the next few months, we will consider and evaluate all of the recommendations directed towards the Commission by the participants, and plan further steps the Commission can take.

"The Commission will continue conducting education and research programs that address workplace equality issues, including issues relating to the public service." p. 41

The Commission will continue conducting education and research programs that address workplace equality issues, including issues relating to the public service. Recently, the Commission published two research reports examining the barriers that people with disabilities face when dealing with government services and making recommendations to government to improve accessibility for people with disabilities. Many of the identified barriers and recommendations address issues of concern to employees in the public service, or those seeking public service employment. These reports, *Jumping Through Hoops: Stories from British Columbians with Disabilities Accessing Government Programs and Services* and *It's Time to Act: Improving Access to Government Information and Services for People with Sensory Impairments and Other Disabilities*, are available from the Commission or on our website (www.bchumanrights.org).

Commission's Findings and Key Recommendations to Government

In response to the matters raised by participants in the forums and in written submissions, and based on our ongoing experience with issues of discrimination and equality in the workplace, the BC Human Rights Commission makes five key recommendations to government.

Several reports have described in detail the barriers experienced by employment equity designated groups in the public service, and have suggested concrete steps for increasing workplace equality. These Forums provided further opportunities for individuals and groups to highlight barriers and solutions.

Many participants and the Commission acknowledge that there have been significant efforts to raise the profile of employment equity, and to address recruitment of equity group members into the public service. The outcomes show us, however, that efforts to date are not good enough. Employment equity initiatives are thinly resourced and primarily focussed on recruitment. Efforts which go beyond this narrow focus are piecemeal. There is a lack of effective mechanisms for holding agencies or managers accountable to follow through on government's stated commitment to employment equity. There is no effective mechanism for implementing recommendations for change. Government is at a cross-roads on employment equity.

We know what the barriers are and many solutions have been suggested. What is needed now is action. We need a comprehensive strategy that incorporates existing recommendations, and creates the capacity for independent monitoring, evaluation and follow-up on participation in that strategy.

The Commission Recommends:

1. Development of a renewed and comprehensive *Employment Equity Strategy*, including a detailed implementation plan. Ministries, employees, unions and equality-seeking groups should each have input into this expanded *Strategy* through inter-ministry processes and sufficient additional staffing resources should be provided to the government organizations assigned to lead the process. In developing the Strategy and implementation plan, the inter-ministry process should consider and respond to barriers identified and existing recommendations, including the following:

   1.1 The recommendations made in the three progress reports of the Union/Management Steering Committee on Employment Equity;

   1.2 The barriers identified and suggestions made by participants in these forums;

   1.3 The strategies outlined in the *Aboriginal Workforce Participation Initiative* published by the federal Department of Indian Affairs and Northern Development;

   1.4 The recommendations in several recent reports provided to government, including reports from AMMSAA, and the two reports recently published by the Commission listed on page 41.

   1.5 Recommendations related to employment equity and pay equity identified through the Ministry of Women's Equality's Fall 2000 consultations on *Women's Economic Security and Pay Equity*;

   1.6 The additional recommendations from the BC Human Rights Commission which follow.

2. If the provincial government is to be successful in demonstrating that employment equity initiatives can be effective when based on policy, rather than legislation as in other jurisdictions, it is critical that accountability mechanisms be strengthened. Progress must be supported and monitored by an independent agency with adequate resources for the monitoring function. The Equal Opportunity Secretariat and the Equity and Diversity Division of PSERC each provide important co-ordination and support for employment equity initiatives. However, neither has resources or the level of independence needed to effectively monitor progress.

3. The *Six Measures of Equality* should be reflected in the *Employment Equity Strategy* and the plans for implementation and monitoring. Evaluation and data collection by ministries and the Workforce Profile statistics maintained by BC Stats need to be analysed to demonstrate barriers or progress against all six measures - see page 9.

4. Comprehensive policies and procedures are required to ensure that the accommodation needs of people with disabilities, and other groups, are met in a timely manner. This "Accommodation Policy" must be based on the recognition of the shared responsibility for accommodation: the individual workplace is responsible for creating an inclusive environment, and the provincial government as a whole is the "employer" responsible for ensuring accommodation to the point of undue hardship. A central office should be assigned to respond to and track requests for accommodation, with a centralised budget and to fund the purchase of specialised equipment. This centralised budget should also be available to address other accommodation costs. The Accommodation Policy should include provisions that:

   4.1 Permit employees to take specialised or personalised equipment with them when they move to another branch or ministry;

   4.2 Assume that previously negotiated accommodations will continue to be provided by a new branch, ministry or location, unless the employer demonstrates that continued accommodation in the new position poses undue hardship;

   4.3 Require the employer to consider vacancies across government, not just within the employee's current branch or ministry, when accommodation requires finding another job for the individual;

4.4 Do not create an additional layer of complexity and more rigorous approval requirements which pose a barrier to employees requesting accommodation;

4.5 Require ministries and public sector agencies to provide communication materials in a format accessible to the needs of a person with a disability;

4.6 Create a co-ordinated process for addressing commonly required accommodations on a systemic basis across the public service, including access barriers.

5. The government of British Columbia must demonstrate respect for human rights legislation and underlying equality principles in its role as an employer. This must be reflected in responding to human rights complaints with litigation positions that demonstrate respect for the principles of equality contained in section 15 of the *Canadian Charter of Rights and Freedoms* and the BC *Human Rights Code*, and be consistent with Canada's international commitments

"We need a comprehensive strategy that incorporates existing recommendcations, and creates the capacity for independent monitoring, evaluation and follow-up on participation in that strategy." p. 41

British Columbia Human Rights Commission

Vancouver Office

Suite 306
815 Hornby Street
Vancouver, BC V6Z 2E6

Tel (604) 660-6811
Fax (604) 660-0195
TTY (604) 660-2252

Victoria Office

2nd floor,
844 Courtney Street
Victoria, BC V8W 9J1

Tel (250) 387-3710
Fax (250) 387-3643
TTY (250) 953-4911

Provincial Toll Free
1 (800) 663-0876

Web Site
www.bchumanrights.org

4500051144